

**REMARKS**

Claim rejections 35 USC § 103

The Examiner has alleged that the claims of the present application are obvious in light of US Patent No. 6,513,019 to Lewis.

The present application and the disclosure of Lewis operate in different areas of financial transactions. It is true that both documents refer to “margin” calculations but the term “margin” does not have the same meaning in each case. When this point is taken into consideration, any apparent similarity between the two disclosures is reduced to each being concerned with computer hardware and software arrangements for making financial calculations based on various business rules.

Lewis uses “margin” to refer to an amount of money deposited by a customer with a broker. The margin is held to provide against losses on transactions made on account. Thus, a customer might be able to deposit \$5,000 with a stockbroker and buy \$10,000 worth of shares. The additional \$5,000 is lent by the stockbroker and the security for that loan is the customer’s original \$5,000. There are complex rules as to how much a customer can borrow in this way and how much cash must be maintained on deposit – these are the margin requirements, and Lewis is concerned with managing “margins” of this type.

In contrast, the term “margin” was used in the present application to represent the profit or mark-up inherent in a price quote. In order to clarify this distinction, the claims of the application have been amended to replace each instance of the word “margin” to “mark-up”. It is submitted that this amendment assists in distinguishing between the two very different concepts originally represented by the term “margin” and enables the claims of the instant application to be easily and clearly distinguished over Lewis.

Lewis does not at any point disclose a method for automatically determining a mark-up for a financial transaction. The Lewis patent discloses a data processing system for

facilitating and monitoring financial transactions. As in the present application, the system of Lewis employs computer hardware and software arrangements to achieve its objectives. However, as acknowledged by the Examiner, the system of Lewis does not disclose the substantial part of the system as outlined in claim 1 of the present application, namely a method of determining a mark-up in a transaction comprising mark-up tables, mark-up tiers, and a search engine.

The Examiner alleges that it would have been obvious for someone of ordinary skill in the art to arrive at the invention. However, the Examiner arrives at this assumption by citing a paragraph regarding the desire of people involved in the financial sector for up-to-date information (Col. 3, ll. 32-43), combined with the generic data processing system described in Lewis. The Applicant fails to see how a description of the problems faced by the financial sector combined with a basic hardware/software set-up can render the complex ordering, searching, and analysing methods of the present invention obvious. This is particularly true when the Lewis document does not itself address any aspect of calculating the mark-up in a financial transaction.

The Examiner has acknowledged that the system of Lewis does not disclose the following features (as claimed in claim 1):

- Storing, within at least one mark-up table, a plurality of deal factors that specify a possible deal;
- Storing, within the at least one mark-up table, a mark-up value associated with the deal factors;
- Searching the table, with a search engine, for an entry corresponding to a proposed transaction; and
- Calculating a mark-up value from said entry corresponding to said proposed transaction,
- Wherein a plurality of mark-up tables are incorporated as part of a mark-up tier, with the tables configured to be searched by the search engine in a predetermined order.

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**PATENT**

It is not apparent how the above particular combination of system features would have been obvious to a person having ordinary skill in the art at the time of the invention, absent any teaching in Lewis. The above combination of system features is unique to the invention, and there are no passages of Lewis that suggest, or teach towards the above feature combination.

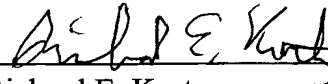
Corresponding amendments have been made in claim 18, and the term "mark-up" substituted for "margin" in the remaining claims.

Claims 17 and 22 are cancelled without prejudice and claims 23 and 24 have been made independent in consequence. Claims 23 and 24 have been further amended to clarify that they each relate to a computer-implemented method only.

It is submitted that the same arguments made in relation to claim 1 therefore also apply to claims 18, 23 and 24, in view of Lewis's failure to teach or suggest any method of calculating a mark-up involving the specified steps. Similarly, each of the dependent claims shares at a minimum the features of the independent claim from which it depends and is similarly patentable.

In view of the amendments and arguments made herein, the Applicant respectfully requests the examiner withdraw the rejections, and allow the application.

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